

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 848 OF 2022**

Santosh B. Jondhalekar	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

Mr. Ramesh Ramamurthy with Mr. Saikumar Ramamurthy for the petitioner.

Mr. R. R. Shetty with Mr. Aniruddha A. Garge for the respondents.

**CORAM: DIPANKAR DATTA, CJ
& V. G. BISHT, J.**

DATE: APRIL 27, 2022

P.C.:

1. Dismissal of the petitioner's original application (Original Application No. 200 of 2021) by the Central Administrative Tribunal, Mumbai Bench, Mumbai (hereafter "the Tribunal", for short) by order dated 25th March 2021 is the subject matter of challenge in this writ petition dated 12th November 2021.
2. The Tribunal rejected the original application of the petitioner on two grounds, namely, (i) non-removal of office objections; and (ii) non-production of any document to support the plea that the petitioner's initial engagement was on a sanctioned and vacant post.
3. Taking serious exception to the order impugned, Mr. Ramamurthy, learned advocate for the petitioner submits that all office objections stood removed by 25th March 2021 and, therefore, the first ground of rejection is indefensible. Next, he submits that all the documents, based on which the petitioner's case rests, were part of the original application.

He also invites our attention to the previous order dated 9th December 2019 passed in Original Application No. 210/325/2015, at page 300 of the writ petition, wherein the Tribunal had passed direction for consideration of the petitioner's plea. According to him, the Tribunal omitted to consider the relevant documents annexed to the original application and caused a grave failure of justice.

4. After hearing Mr. Ramamurthy, we are of the view that if indeed the office objections stood removed and the relevant documents were part of the original application, yet, were not taken into consideration by the Tribunal, the same would amount to an error of law apparent on the face of the record, to rectify which the petitioner could have availed of the remedy of review before the Tribunal.

5. In such view of the matter, we are not inclined to entertain the writ petition. The writ petition is disposed of granting liberty to the petitioner to apply for review before the Tribunal by 6th May 2022.

6. If an application for review is made within the period as aforesaid, the Tribunal is requested to decide the same on merits waiving the bar of limitation.

7. Mr. Shetty, learned advocate for the respondents vehemently opposed the above request; however, in the interest of justice, we feel that the petitioner should be given an opportunity to pursue his remedy before the Tribunal in review before we exercise our power of judicial review, if at all required, in future.

SALUNKE
J V

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(V. G. BISHT, J.)

(CHIEF JUSTICE)